

1  
2  
3  
4 E-FILED on 7/26/05  
5  
6  
7  
8  
9  
10  
11

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

12 PERLITO SULIT and ESTELA SULIT

No. C-05-00958 RMW

13 Petitioners,

ORDER TO SHOW CAUSE WHY THIS  
ACTION SHOULD NOT BE TRANSFERRED  
TO THE NINTH CIRCUIT

14 v.

15 MICHAEL CHERTOFF, CHARLES DEMORE,  
NANCY ALCANTAR, and ALBERTO  
GONZALEZ,

[Re Docket No. 10]

16  
17 Respondents.

18  
19 Respondents have filed a notice of change in law asserting that this court no longer has jurisdiction over  
20 the instant petition for writ of habeas corpus. They contend that this case must be transferred to the United  
21 States Court of Appeals for the Ninth Circuit pursuant to the recently passed REAL ID Act of 2005, Pub. L.  
22 No. 109-13, Div. B, §§ 106(a), (c), 119 Stat. 231 (2005). The court has not yet heard petitioner's position  
23 on this issue.

24 The parties shall meet and confer regarding whether this case must be transferred to the Ninth Circuit.  
25 Should the parties agree that transfer is appropriate, they shall submit a stipulation and proposed order to do  
26 so. If the parties disagree, they shall submit a stipulation and proposed order setting deadlines for filing an

1 opposition brief by petitioners and a reply brief by respondents. In either case, the parties shall file their  
2 stipulation and proposed order by Monday, August 22, 2005.

3

4 DATED: 7/25/05

/s/ Ronald M. Whyte

RONALD M. WHYTE  
United States District Judge

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiff(s):**

3 James Todd Bennett bennettjt13@hotmail.com

4 **Counsel for Defendant(s):**

5 Edward A. Olsen edward.olsen@usdoj.gov

6 Alison E. Daw alison.daw@usdoj.gov

7 Counsel are responsible for distributing copies of this document to co-counsel that have not registered for  
e-filing under the court's CM/ECF program.

8

9

10 **Dated:**

11 7/26/05

12 /s/ MAG  
13 **Chambers of Judge Whyte**

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28